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Before the
Federal Communications Commission

Washington, D.C. 20554

In the Matter of) MM Docket No. 97-116
) RM-9050
Amendment of Section 73.202(b)) RM-_____
(Table of Allotments))
FM Broadcast Stations)
)
Monticello, Arkansas and)
Bastrop, Louisiana)

RECEIVED
JUL 20 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Mass Media Bureau
Policy and Rules Division
Allocations Branch

PETITION FOR RULE MAKING
AND REQUEST FOR ISSUANCE OF ORDER TO SHOW CAUSE

Midway Broadcasting Company ("MBC"), by its attorneys, and pursuant to Section 1.420(d) of the Commission's Rules, hereby respectfully files this petition for rule making. MBC requests the Commission to amend Section 73.202(b) of the Rules to (a) substitute Channel 229C2 for Channel 229C3 at Monticello, Arkansas; (b) modify the license for KHBM-FM, Monticello, Arkansas for operation on Channel 229C2, (c) substitute Channel 230A for vacant Channel 230C3 at Bastrop, Louisiana, and (d) modify the license of KTRY-FM, Bastrop, Louisiana, to operate on Channel 230A at Bastrop. In support whereof, the following is shown:

Background

1. KHBM-FM, Channel 229C3, Monticello, Arkansas, is licensed to MBC.

MBC requests the Commission to delete Channel 229C3 from Monticello and substitute

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therefor Channel 229C2, with a concurrent modification of the license of KHBM-FM to operate on Channel 229C2 at Monticello. This change is permissible under Section 1.420(i) of the Rules, which authorizes the Commission to modify the license or permit of an FM station where the amended allotment would be mutually exclusive with the licensee's present allotment. MBC's proposal is consistent with the rules and Commission policies, i.e., the channel changes are mutually exclusive and comply with the Commission's allocation spacings so long as Channel 230C3 at Bastrop, Louisiana, is downgraded to Channel 230A. As an alternative, Channel 230C3 can be preserved at Bastrop with a site restriction 7 km southwest of Bastrop.

Expression of Continuing Interest

2. If the Commission allots Channel 229C2 to Monticello, MBC will promptly file an application for a minor change construction permit to operate KHBM-FM on the upgraded channel, and upon grant, will promptly construct and operate the upgraded facilities.

The Status of KTRY-FM, Bastrop, Louisiana

3. Attachment A is a Technical Exhibit, which is incorporated herein by reference, that provides the Commission with technical information about the proposed channel changes. Under normal circumstances, MBC could accomplish its channel upgrade by filing a "one-step" application. However, MBC is precluded from this by the existence of Channel 230C3 at Bastrop, Louisiana. The FM Table of Assignments shows that Channel 230C3 and Channel 232A are both allotted to Bastrop. Currently, KTRY-FM, Bastrop, operates on Channel 232A. On November 1, 1994, the Commission issued to Jamie Patrick Broadcasting, Ltd., licensee of KTRY-FM a

construction permit (File No. BPH-940727ID) to operate on Channel 230C3 at coordinates North Latitude 32° 49' 6", West Longitude 91° 54' 29". However, by letter dated August 21, 1996 (copy attached as Attachment B), the Commission canceled the construction permit because no license application or request for extension of time to complete construction had been filed prior to the date of expiration date of the license, May 1, 1996. Therefore, although KTRY-FM has not built its facilities on Channel 230C3, their existence has a preclusive effect on MBC's efforts to upgrade KHBM-FM. To eliminate this constraint, MBC proposes to downgrade the allotment to Channel 230A. KTRY-FM could easily move to Channel 230A on the tower it now utilizes. Channel 230A cannot be eliminated because as a result of MM Docket 87-242's order to move KTRY-FM to Channel 230, the licensee of Station WBAD, Channel 232A, Leland, Mississippi, submitted a petition for rule making to upgrade to Channel 232C2 at Leland. WBAD now holds a construction permit (File No. BPH-930120IB) for operation on Channel 232C2, but implementation of the upgrade is conditioned on KTRY-FM's vacating Channel 232A at Bastrop.¹ Thus, when KTRY-FM moves to Channel 230A, KHBM-FM may upgrade its facilities. As noted in the Technical Exhibit, Option II would permit KTRY-FM to operate on Channel 230C3 while clearing KHBM-FM's upgraded facilities. MBC does not believe, under the circumstances, that it has an obligation to reimburse the licensee of KTRY-FM for its reasonable and prudent costs incurred in connection with making the channel change,

¹ It appears that WBAD is already operating on Channel 232C2. On September 10, 1993, Interchange Communications, Inc., licensee of WBAD filed an application for license to cover construction permit File No. BPH-931020IB.

under the principles of *FM Table of Allotments (Circleville, Ohio)*, 8 FCC 2d 159 (1967). This is so because KTRY-FM previously requested the change in channels, and had it obeyed the Commission's order, it would not be necessary for MBC to file thier petition. MBC requests that the Commission issue an order to the licensee of KTRY-FM, Bastrop, Louisiana, to show cause why its license should not be modified to operate on Channel 230A. Issuance of such an order is consistent with Commission precedent where the requesting party has stated its willingness to reimburse the licensee of the station for reasonable costs associated with the proposed channel change. Out of an abundance of caution, if the Commission finds that MBC is liable for reimbursement of the licensee of KTRY-FM for its move from Channel 232A to Channel 230A, MBC will reimburse the licensee of KRTY-FM under the guidelines established by the Commission, cited above.

Public Interest Considerations

4. The Technical Exhibit demonstrates that the 1.0 mV/m contour of KHBM-FM operating on Channel 229C2 at Monticello would cover 71,651 persons in 8,559.5 square kilometers. This is an increase of 17,522 persons in 3,789.4 kilometers over the authorized Class C3 facility. If Option #1 is selected, KTRY-FM, Bastrop, operating on Channel 230A would provide service to 40,426 persons in 2,671.9 square kilometers, an increase of 6,330 persons in 922.6 kilometers over its facility on Channel 232A. If Option #2 were implemented, in addition to the gain for KHBM-FM described above, KTRY-FM as a maximum Class C3 facility would provide service to 180,307 persons in 4,808.6 square kilometers (an increase of 146,211 persons over its Class A facilities).

5. The Commission's priorities for assigning FM allotments are set out in *Revision of FM Assignment Policies and Procedures, supra*. They are: (1) first aural service, (2) second aural service, (3) first local service, and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). Here, the decision must be made under Factor (4). Thus, there would a preferential arrangement of allotments resulting from the allotment of Channel 229C2 to Monticello.

WHEREFORE, MBC respectfully requests the Commission to amend Section 73.202(b) of the Commission's Rules, as follows:

Option #1

Arkansas

	<u>Present</u>	<u>Proposed</u>
Monticello	229C3	229C2

Louisiana

Bastrop	230C3, 232A	230A
---------	-------------	------

Option #2

Arkansas

	<u>Present</u>	<u>Proposed</u>
Monticello	229C3	229C2

Louisiana

Bastrop	230C3, 232A	230C3 ²
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² Change reference coordinates for Channel 230C3 at Bastrop, Louisiana, to North Latitude 32° 43' 25", West Longitude 91° 56' 56".

Conclusion

MBC requests the Commission to (a) issue an order requiring the licensee of KTRY-FM, Bastrop, Louisiana, to show cause why the Commission should not modify the license of KTRY-FM to operate on Channel 230A, (b) allot Channel 229C2 to Monticello, Arkansas (c) modify the license of KTRY-FM to operate on FM Channel 230A at

Respectfully submitted,

MIDWAY BROADCASTING COMPANY

By: 

Gary S. Smithwick
Its Attorney

SMITHWICK & BELENDIUK, P.C.

1990 M Street, N.W.

Suite 510

Washington, D.C. 20036

(202) 785-2800

July 20, 1998

ATTACHMENT A

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PETITION FOR RULE MAKING
MIDWAY BROADCASTING COMPANY
SUBSTITUTE CHANNEL 229C2 FOR 229C3
MONTICELLO, ARKANSAS
SUBSTITUTE CHANNEL 230A FOR 230C3
BASTROP, LOUISIANA
July 1998

TECHNICAL EXHIBIT

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PETITION FOR RULE MAKING
MIDWAY BROADCASTING COMPANY
SUBSTITUTE CHANNEL 229C2 FOR 229C3
MONTICELLO, ARKANSAS
SUBSTITUTE CHANNEL 230A FOR 230C3
BASTROP, LOUISIANA
July 1998

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of Midway Broadcasting Company ("MBC"), licensee of KHBM-FM, Channel 228A, Monticello, Arkansas. MBC also holds an outstanding construction permit to upgrade the facilities of KHBM-FM to Channel 229C3 (BPH-980331IA). MBC herein proposes to further upgrade KHBM-FM to Channel 229C2 at Monticello. In order to accommodate this request, it is necessary to downgrade the vacant allocation for Channel 230C3 at Bastrop, Louisiana, to Channel 230A. Channel 230C3 at Bastrop, Louisiana, is reserved for KTRY-FM, Channel 232A, Bastrop, Louisiana; however, it has not implemented operation on the channel. As detailed below, MBC proposes to downgrade the Channel 230 allocation to Class A, thus, still enabling KTRY-FM to move to Channel 230.¹

DISCUSSION

2. In MM Docket #87-242, Channel 230C2 was substituted for Channel 232A at Bastrop, Louisiana, and KTRY-FM was ordered to change channels. Following the allocation of the upgraded channel, no application to implement service on Channel 230C2 was submitted to the Commission. On July 27, 1994, the licensee of KTRY-FM submitted an application for

1) Channel 232A has been deleted from the Table of Allotments.

construction permit specifying Channel 230C3 at Bastrop, Louisiana. The application was subsequently granted and the allocation at Bastrop was downgraded to Class C3 as a result. On August 21, 1996, the permit was canceled, leaving the allocation vacant. To date, no further applications have been filed.²

3. MBC proposes to downgrade the vacant allocation for Channel 230C3 to Channel 230A at the present KTRY-FM licensed site. Since KTRY-FM was ordered to change to Channel 230, there should be no need to reimburse the station for this change. The continuous protection of the vacant allocation at Bastrop precludes the proposed allocation of Channel 229C2. Further, KTRY-FM cannot remain permanently on Channel 232A since the channel has been deleted from the Table of Allocations and its continued operation will prevent another station's upgraded operation.³

-
- 2) As a result of Docket 87-242's order to move KTRY-FM to Channel 230, the licensee of station WBAD, Channel 232A, Leland, Mississippi, submitted a Petition for Rule Making (MM Docket #92-172) seeking to upgrade to Channel 232C2 at Leland. A Report and Order was issued upgrading WBAD to Channel 232C2. A construction permit application was filed by the licensee and WBAD was issued a permit to upgrade to Class C2, (BPH-9301201B). Since station KTRY-FM remains licensed on Channel 232A at Bastrop, Louisiana, WBAD is prevented from implementing service on its improved channel until KTRY-FM is relocated.
- 3) See Note 1 *supra*.

PROPOSAL

OPTION #1

4. MBC requests the substitution of Channel 229C2 for Channel 229C3 at Monticello, Arkansas, at geographic coordinates North Latitude 33° 43' 44" and West Longitude 91° 34' 02". This represents a site restriction of 27.2 kilometers northeast of the community to avoid shortspacing station KITT, Channel 229C, Shreveport, Louisiana, and the proposed Channel 230A allocation at Bastrop, Louisiana.⁴ Exhibit #1 is a map which shows where a transmitter site for Channel 229C2 can be located to service Monticello, Arkansas. Exhibit #2 is a §73.207 spacing evaluation which shows Channel 229C2 meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities. Both exhibits assume the vacant allocation site for Channel 230C3 is deleted from Bastrop, Louisiana (in favor of Channel 230A), as denoted below.

5. MBC further requests that, to accommodate the upgrade at Monticello, Channel 230A be substituted for the vacant and unapplied for Channel 230C3 at Bastrop, Louisiana. Channel 230A can be allocated to Bastrop, Louisiana, at the present KTRY-FM transmitter site at North Latitude 32° 49' 10" and West Longitude 91° 54' 29".⁵ From the proposed site, Channel 230A meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities (see Exhibit #3).

4) The proposed allocation site for Channel 230A at Bastrop is the present KTRY-FM, Channel 232A location.

5) This is the licensed KTRY-FM Channel 232A site. The relocation of KTRY-FM to this channel will enable WBAD to commence operations on Channel 232C2 at Leland, Mississippi.

OPTION #2

6. As an alternative proposal to Option #1, MBC has determined Channel 230C3 could be implemented in Bastrop, Louisiana, and not preclude the proposed upgrade for station KHBM-FM. The current allocation site for Channel 230C3 at Bastrop, Louisiana, is located northwest of the community. If the allocation site for the channel were located approximately 7 kilometers to the southwest, there would be no conflict between the Monticello and Bastrop channels. Therefore, MBC proposes, as Option #2, the relocation of Channel 230C3 at Bastrop, Louisiana, to geographic coordinates North Latitude 32° 43' 25" and West Longitude 91° 56' 56" (as an alternative to downgrading the channel). This represents a site restriction of 7.3 kilometers from Bastrop to prevent a shortspace to the proposed allocation of Channel 229C2 at Monticello. As shown in Exhibit #4, there is ample area in which a transmitter site can be located for Channel 230C3 at Bastrop, Louisiana. Exhibit #5 is a §73.207 spacing evaluation which shows Channel 230C3, from the proposed new reference site, meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities. Channel 230C3, from the reference site, can deliver a 3.16 mV/m contour over 100% of Bastrop, Louisiana.

7. Therefore, MBC proposes the following amendment to §73.202(b) of the rules:

Option #1

Monticello, Arkansas

Present
229C3

Proposed
229C2

Bastrop, Louisiana

Present
230C3, 247A, 261C2

Proposed
230A, 247A, 261C2

Option #2

Monticello, Arkansas

Present
229C3

Proposed
229C2

Bastrop, Louisiana

Present
230C3, 247A, 261C2

Proposed
230C3,⁶ 247A, 261C2

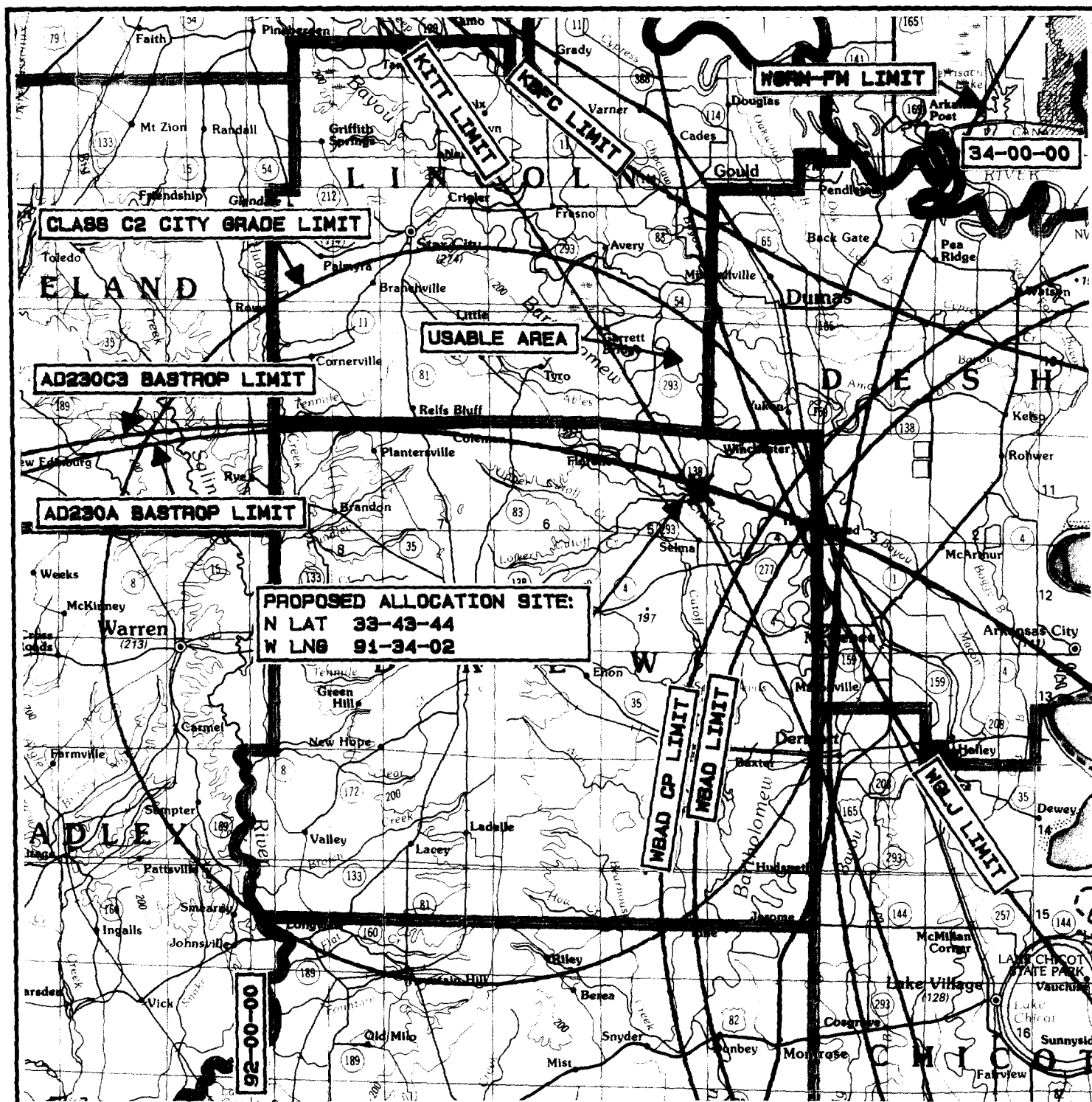
6) The only proposed change in the Table of Allocations for Bastrop is in the reference coordinates for Channel 230C3 to North Latitude 32° 43' 25" and West Longitude 91° 56' 56".

PUBLIC INTEREST ASPECTS

8. The proposed allocation of Channel 229C2 at Monticello, Arkansas, would enable station KHBM-FM to provide 1.0 mV/m service to 71,651 persons in 8,559.5 square kilometers. This represents an increase of 17,522 persons in 3,789.4 square kilometers over the authorized Class C3 facility. In addition, were Option #1 selected, station KTRY-FM, as a maximum Class A station on Channel 230A, would provide service to 40,426 persons in 2,671.9 square kilometers. This represents an increase of 6,330 persons in 922.6 square kilometers over its facility on Channel 232A. Were Option #2 implemented, in addition to the gains for KHBM-FM, KTRY-FM, as a maximum C3 facility from its new reference site, would provide service to 180,307 persons in 4,808.6 square kilometers (an increase of 146,211 persons over its Class A).⁷ When Channel 229C2 is allocated to Monticello, Arkansas, MBC will file an application to make a minor change in the facilities of KHMB-FM to upgrade to Class C2 and, upon grant of the modification, will promptly build the facility.

9. The foregoing was prepared on behalf of Midway Broadcasting Company by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to these proposed requests was extracted from the NTIA FM database, as updated on July 5, 1998. We assume no liability for errors or omissions in the database which may be adverse to the requests contained herein. All population data was extracted from the PL 94-171 files.

7) At the present Channel 230C3 allocation site, a maximum C3 facility would provide service to only 102,259 persons within its 1.0 mV/m. A site restriction southwest of the community enables an increase of population of nearly 80,000 persons more than the northwest restricted site.



USABLE AREA CHANNEL 229C2

MAP IS A PORTION OF THE 1: 500, 000 SCALE U.S.G.S. BASE MAP OF ARKANSAS.

MAP ASSUMES CHANNEL 230A OR RELOCATED CHANNEL 230C3 ALLOCATION AT BASTROP, LOUISIANA.

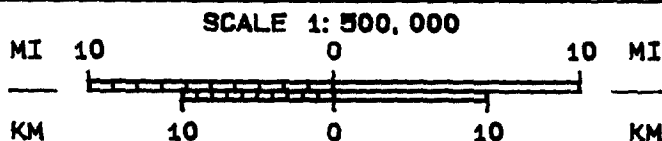


EXHIBIT #1

PETITION FOR RULE MAKING
MIDWAY BCG. COMPANY
SUB. CH 229C2 FOR CH 229C3
MONTICELLO, ARKANSAS

July 1998

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

ALTERNATE CHANNEL 229C2 ALLOCATION STUDY FOR MONTICELLO, ARKANSAS
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS C2	DISPLAY DATES
33 43 44 N	Current rules spacings	DATA 07-05-98
91 34 02 W	CHANNEL 229 - 93.7 MHz	SEARCH 07-09-98

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
TYPE	LAT	LNG	PWR	HT	D-Mi	R-Mi	(KM)

KHEMFM 229C3 Monticello AR 290.9 14.86 177.0 -162.14
CP CN 33 46 35 91 43 02 15.000 kW 129M 9.2 110.0
Midway Broadcasting Company BPH-980331IA
>From Channel 228A

KHEMFM 228A Monticello AR 236.0 24.60 106.0 -81.40
AP CN 33 36 18 91 47 14 5.500 kW 104M 15.3 65.9
Midway Broadcasting Company BMLH-960422KD
>To Channel 229C3 per One Step Application BPH-980331IA

KHEMFM 228A Monticello AR 236.0 24.60 106.0 -81.40
LI CN 33 36 18 91 47 14 3.200 kW 104M 15.3 65.9
Midway Broadcasting Company BMLH-891211KI
>To Channel 229C3 per One Step Application BPH-980331IA

+ AD230 230A Bastrop LA 197.5 105.74 106.0 -0.26
AD N 32 49 10 91 54 29 0.000 kW OM 65.7 65.9
Midway Broadcasting Company

AD230 230C3 Bastrop LA 197.7 117.03 117.0 0.03
AD N 32 43 25 91 56 56 0.000 kW OM 72.7 72.7
>Alternate Proposal - Midway Broadcasting Company

KITT 229C Shreveport LA 242.6 249.10 249.0 0.10
LI CY 32 40 39 93 55 41 100.000 kW 308M 154.8 154.8
Multimedia Radio, Inc. BLH-840607CO

WQLJ 229C3 Oxford MS 67.8 182.95 177.0 5.95
LI CN 34 20 05 89 43 29 25.000 kW 100M 113.7 110.0
Oxford Radio, Inc. BLH-931019KA

WQLJ.C 229C3 Oxford MS 67.8 182.95 177.0 5.95
CP CN 34 20 05 89 43 29 13.000 kW 139M 113.7 110.0
Oxford Radio, Inc. BPH-940728IF

WBAD.C 232C2 Leland MS 122.9 64.02 58.0 6.02
CP CN 33 24 55 90 59 18 50.000 kW 88M 39.8 36.0
Interchange Communications, Inc. BPH-930120IB
>From Channel 232A per MM Docket #92-172

CHANNEL 229C2 SPACING STUDY

+ NOTE : THIS DISTANCE IS LESS THAN 0.49
KILOMETERS AND THEREFORE ROUNDS
TO ZERO.

EXHIBIT #2

PETITION FOR RULE MAKING
MIDWAY BCG. COMPANY
SUB. CH 229C2 FOR CH 229C3
MONTICELLO, ARKANSAS

July 1998

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

ALLOCATION STUDY FOR CHANNEL 230A BASTROP. LOUISIANA
USING PRESENT KRTY-FM SITE/PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS A	DISPLAY DATES
32 49 10 N	Current rules spacings	DATA 07-05-98
91 54 29 W	CHANNEL 230 - 93.9 MHz	SEARCH 07-09-98

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)

ALOPEN	230C3	Bastrop	LA	317.6	3.89	142.0	-138.11
AL	N 32 50 43	91 56 10	0.000 kW	0M	2.4	88.3	
MM Docket #87-242 - Reserved for KRTY-FM							
KTRYFM	232A	Bastrop	LA	0.0	0.00	31.0	-31.00
LI HN	32 49 10	91 54 29	3.000 kW	88M	0.0	19.3	
Jamie Patrick Broadcasting					BLH-6141		
>To Channel 230C3							
+	AD229	229C2 Monticello	AR	17.5	105.74	106.0	-0.26
AD	33 43 44	91 34 02	0.000 kW	0M	65.7	65.9	
Midway Broadcasting Company							
KHBMFM	229C3	Monticello	AR	9.4	107.61	89.0	18.61
CP CN	33 46 35	91 43 02	15.000 kW	129M	66.9	55.3	
Midway Broadcasting Company					BPH-980331IA		
>From channel 228A							
KGGM	228A	Delhi	LA	140.0	51.70	31.0	20.70
LI CN	32 27 45	91 33 13	6.000 kW	100M	32.1	19.3	
KT Enterprises, Inc.					BLH-910916KA		
KITT	229C	Shreveport	LA	265.8	189.97	165.0	24.97
LI CY	32 40 39	93 55 41	100.000 kW	308M	118.1	102.6	
Multimedia Radio, Inc.					BLH-840607CO		
WGRMFM	230C3	Greenwood	MS	63.0	178.34	142.0	36.34
LI ZCN	33 32 02	90 11 42	12.000 kW	90M	110.8	88.3	
Clay Ewing					BLH-970822KC		
>From Channel 230A							
WGRMFM	230C3	Greenwood	MS	63.0	178.34	142.0	36.34
AP ZCN	33 32 02	90 11 42	8.000 kW	105M	110.8	88.3	
Clay Ewing					BPH-980518ID		
KAGL	227C3	El Dorado	AR	304.5	81.00	42.0	39.00
LI ZCN	33 13 46	92 37 32	8.500 kW	130M	50.3	26.1	
Noalmark Broadcasting Corp.					BLH-931018KC		

CHANNEL 230A SPACING STUDY

+ NOTE : THIS DISTANCE IS LESS THAN 0.49 KILOMETERS AND THEREFORE ROUNDS TO ZERO.

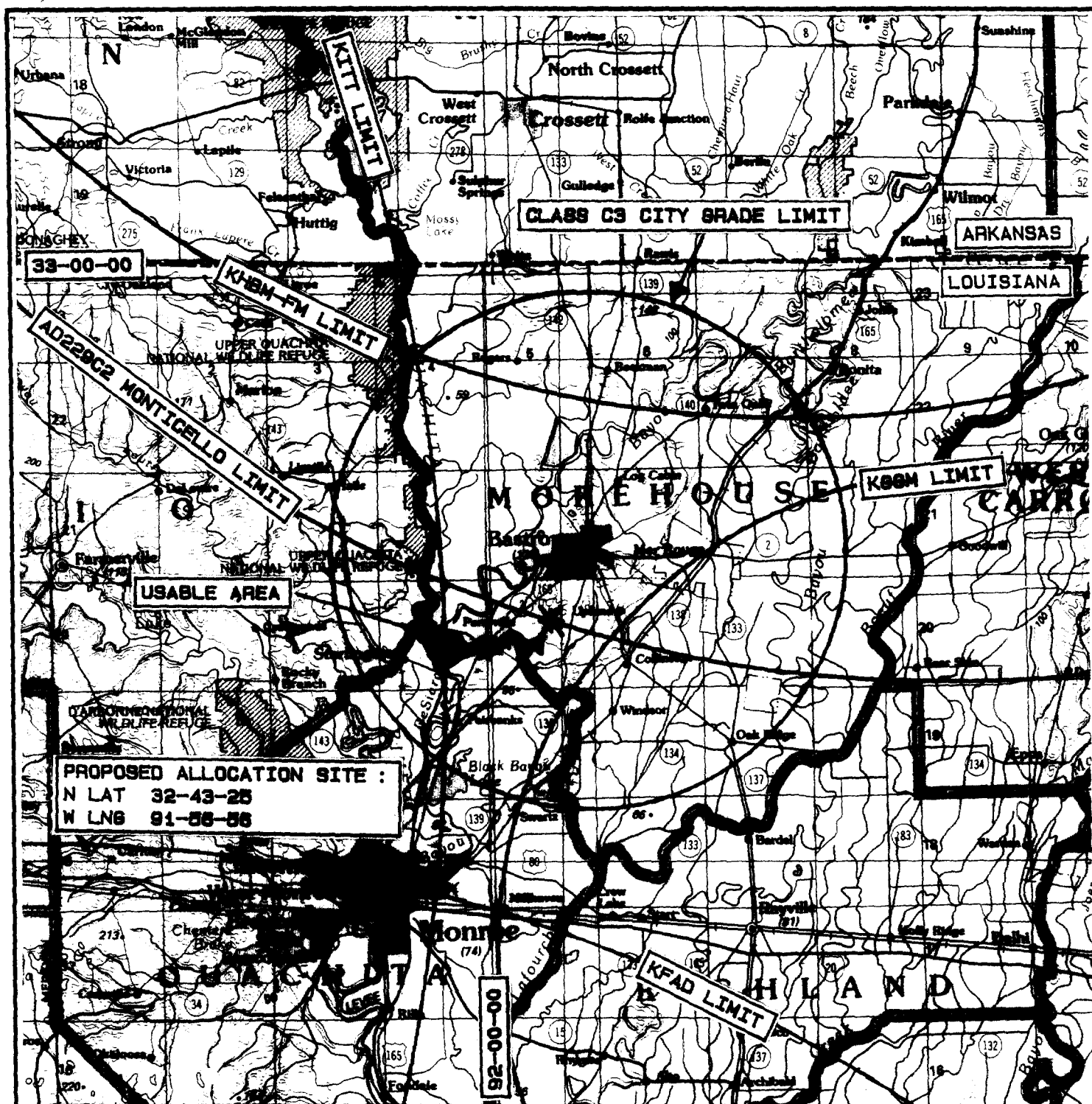
EXHIBIT #3

**PETITION FOR RULE MAKING
MIDWAY BCG. COMPANY
SUB. CH 229C2 FOR CH 229C3
MONTICELLO, ARKANSAS**

July 1998

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS



USABLE AREA CHANNEL 230C3

MAP IS A PORTION OF THE 1: 500, 000 SCALE
U.S.G.S. BASE MAP OF LOUISIANA.

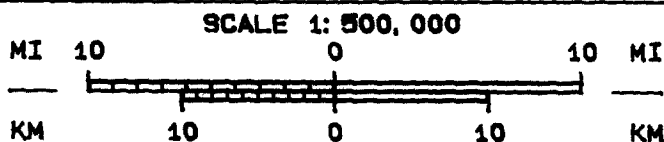


EXHIBIT #4

PETITION FOR RULE MAKING
MIDWAY BCG. COMPANY
SUB. CH 229C2 FOR CH 229C3
MONTICELLO, ARKANSAS

July 1998

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

ALLOCATION STUDY FOR CHANNEL 230C3 BASTROP, LOUISIANA
USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE	CLASS C3	DISPLAY DATES
32 43 25 N		DATA 07-05-98
91 56 56 W	Current rules spacings	SEARCH 07-09-98
----- CHANNEL 230 - 93.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)

ALOPEN	230C3	Bastrop	LA	5.0	13.55	153.0	-139.45
AL	N 32 50 43	91 56 10	0.000 kW	0M	8.4	95.1	
MM Docket #87-242 - Reserved for KTRY-FM							
KTRYFM	232A	Bastrop	LA	19.7	11.30	42.0	-30.70
LI	HN 32 49 10	91 54 29	3.000 kW	88M	7.0	26.1	
Jamie Patrick Broadcasting					BLH-6141		
>To Channel 230C3							
AD229	229C2	Monticello	AR	17.5	117.03	117.0	0.03
AD	N 33 43 44	91 34 02	0.000 kW	0M	72.7	72.7	
Midway Broadcasting Company							
KGGM	228A	Delhi	LA	128.0	47.07	42.0	5.07
LI	CN 32 27 45	91 33 13	6.000 kW	100M	29.3	26.1	
KT Enterprises, Inc.					BLH-910916KA		
KITT	229C	Shreveport	LA	268.9	185.66	176.0	9.66
LI	CY 32 40 39	93 55 41	100.000 kW	308M	115.4	109.4	
Multimedia Radio, Inc.					BLH-840607CO		
KHBMFM	229C3	Monticello	AR	10.4	118.74	99.0	19.74
CP	CN 33 46 35	91 43 02	15.000 kW	129M	73.8	61.5	
Midway Broadcasting Company					BPH-980331IA		
>From Channel 228A-One Step Application							
KFAD	230A	Alexandria	LA	196.1	167.97	142.0	25.97
LI	CN 31 16 04	92 26 24	6.000 kW	100M	104.4	88.3	
FM Broadcasting Corporation					BLH-930223KB		

CHANNEL 230C3 SPACING STUDY

EXHIBIT #5
PETITION FOR RULE MAKING
MIDWAY BCG. COMPANY
SUB. CH 229C2 FOR CH 229C3
MONTICELLO, ARKANSAS

July 1998

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

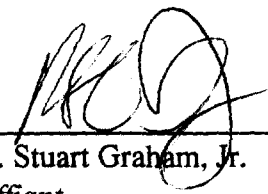
State of Georgia)
St. Simons Island) ss:
County of Glynn)

R. STUART GRAHAM, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Midway Broadcasting Company, licensee of Radio Station KHBM-FM, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He is a graduate of Auburn University and has been active in Broadcast Engineering since 1972.

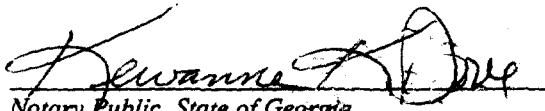
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 10th day of July, 1998.



R. Stuart Graham, Jr.
Affiant

*Sworn to and subscribed before me
this the 10th day of July, 1998*



Notary Public, State of Georgia
My Commission Expires: April 20, 2002

ATTACHMENT B

239

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

AUG 21 1996

**IN REPLY REFER TO:
1800B3-RFB**

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jamie Patrick Broadcasting, Ltd.
328 West Madison Avenue
Bastrop, LA 71220

In re: KTRY-FM, Bastrop, LA
Jamie Patrick Broadcasting, Ltd.
BPH-940727ID

Dear Licensee:

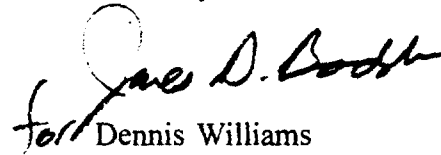
This letter refers to the above-captioned construction permit.

Section 73.3599 of the Commission's Rules (in pertinent part) provide that a construction permit shall be automatically forfeited if the station is not ready for operation within the time specified therein or within such time as the Commission may have allowed for construction.

Your construction permit BPH-940727ID was granted on November 1, 1994. Construction was to have been completed and program test operations commenced prior to May 1, 1996. To date, no FCC 302-FM license application has been filed to cover this construction permit, nor has an FCC Form 307 application requesting extension of time to construct been received.

Consequently, in accordance with Section 73.3599 of the Commission's Rules, construction permit BPH-940727ID IS HEREBY CANCELLED.¹ This action is taken pursuant to Section 0.283 of the Commission Rules.

Sincerely,



Dennis Williams
Assistant Chief
Audio Services Division
Mass Media Bureau

¹ This action has no effect on your licensed operation as authorized by BLH-6141.

CERTIFICATE OF SERVICE

I, Patricia A. Neil, a secretary in the law offices of Smithwick & Belendiuk, P.C., certify that on this 20th day of July, 1997, copies of the foregoing were mailed to the following:

Jamie Patrick Broadcasting, Ltd.
Radio Station KTRY-FM
328 West Madison Avenue
Bastrop, Louisiana 71220

David Tillotson, Esq.
4606 Charleston Terrace, N.W.
Washington, D.C. 20007-1911
Counsel for WBAD, Leland, MS


Patricia A. Neil